United Nations CCPR/C/LIE/CO/2/Add.1

International Covenant on Civil and Political Rights

Distr.: General
19 December 2018

English only

Human Rights Committee

Concluding observations on the second periodic report of Liechtenstein

Addendum

Information received from Liechtenstein on follow-up to the concluding observations*

[Date received: 26 June 2018]

* The present document is being issued without formal editing.

GE.18-22329(E)

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1. In the Concluding observations on the second periodic report of Liechtenstein (CCPR/C/LIE/CO/2) from 21 August 2017, the Human Rights Committee issued fourteen recommendations to Liechtenstein, requesting information on follow-up to three of them concerning the anti-discrimination framework, amendments to the legislation on abortion and the revision of the Criminal Code by 24 July 2018.

Recommendation 12: The State party should take all the measures necessary to ensure that its legal framework: (a) comprehensively prohibits all discrimination, including multiple discrimination; and (b) provides for effective remedies in cases of violation. The State party should also provide for training of judges, prosecutors and lawyers in relation to articles 33 (5) and 283 of the Criminal Code and raise awareness of these provisions with the public

2. As affirmed in several documents submitted to the Human Rights Committee and in the presentation of the second periodic report on implementation of the Convention on 7 and 8 July 2017, the government is convinced that the principle of equal treatment is effectively implemented in Liechtenstein through the Liechtenstein Constitution, pertinent laws, the international human rights conventions ratified by Liechtenstein, and settled case law. With this legal framework, Liechtenstein already provides for comprehensive protection from discrimination and effective remedies in cases of violation. Further legislative amendments are not necessary in the view of the government.

3. With regard to training in relation to §§ 33 (5) and 283 of the Criminal Code, the government decided on 22 May 2018 to follow up on this recommendation that was also issued during the Universal Periodic Review (UPR) of the Human Rights Council in January 2018. The Ministry of Foreign Affairs, Justice and Culture was instructed to organise a training session for members of the National Police, prosecutors and judges, informing and discussing the revised § 283 of the Criminal Code and its consequences.

Recommendation 22: The State party should: (a) Amend its legislation on abortion with a view to providing for additional exceptions to the legal ban on abortion, including cases of fatal fetal impairment, in order to ensure that the life and health of women are adequately protected; (b) Ensure access to clear information on options for voluntary pregnancy termination

4. The termination of pregnancy is not punishable if it is necessary to avert a serious danger to life or serious damage to the health of the pregnant woman that cannot be averted otherwise. Life and health of women are thereby protected adequately in the existing legal framework.

5. Information and public outreach regarding legal termination of pregnancy is provided in Liechtenstein by the competence centre "schwanger.li", which advises and supports women and couples in cases of unwanted pregnancy before, during, and after birth. "schwanger.li" provides information to the public in the form of presentations, information events, and a website. Since beginning its work in 2006, the number of counselled persons has constantly increased in all areas where the centre is active (Liechtenstein and neighbouring regions of Austria and Switzerland). In 2017, it provided advice to 113 persons in Liechtenstein.

Recommendation 30: The State party should: (a) Begin the consultation and decision-making processes for the revision of the Criminal Code; (b) Enact a prohibition on torture that is compliant with article 7 of the Covenant and with internationally recognized standards, including the removal of any statute of limitations on the prosecution of such crimes; (c) Ensure that there exists an independent mechanism within the normal legal system, but separate from the police, to investigate allegations of torture and ill-treatment; (d) Ensure that the law adequately provides for the prosecution and conviction of perpetrators and accomplices of such acts before ordinary criminal courts, in accordance with the gravity of the acts, as well as for remedies for victims and their families, including rehabilitation and compensation

6. Between 6 February and 20 April 2018, the public consultation process for the revision of the Criminal Code and the Criminal Procedure Code took place. On the basis of the consultation document and the responses received in the process, the government plans to bring a legislative proposal into parliament before the end of 2018.

7. It is foreseen that the revised Criminal Code shall contain an article containing a detailed definition of torture in compliance with article 7 of the Covenant, with penalties of up to 10 years' imprisonment for the basic crime and up to lifelong imprisonment for cases where the victim dies as the result of the act of torture.

8. The creation of an independent mechanism separate from the police to investigate allegations of torture and ill-treatment was discussed in detail during the follow-up procedure concerning the Human Rights Committee's recommendation. However, establishing such a mechanism was commonly considered as out of proportion with regard to the general conditions in Liechtenstein.

9. Existing law already provides for the prosecution and conviction of acts of torture. Article 33 paragraph 2 of the constitution prohibits the threat or use of penalties other than those provided by the laws. Criminal Code provisions prohibit the wilful infliction of bodily harm (§§ 83ff.) and harming or neglecting prisoners (§ 312). On the basis of the Victims' Assistance Act, victims of torture and their families already have access to remedies such as counselling, long-term support, financial contributions for long-term support offered by third parties, compensation and legal aid.